

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN
DERAILMENT

)
)
)
)
)
)
)
)
)
)

CASE NO. 4:23CV0242

JUDGE BENITA Y. PEARSON

ORDER

* * * * *

CHRISTOPHER CONKLE,

Plaintiff,

v.

ALAN SHAW,

Defendant.

)
)
)
)
)
)
)
)
)
)

CASE NO. 4:23CV0987

JUDGE BENITA Y. PEARSON

ORDER

I.

On April 5, 2023, the Court, pursuant to [Fed. R. Civ. P. 42](#), consolidated 31 cases that had been filed regarding the February 3, 2023 Norfolk Southern train derailment in East Palestine, Ohio. *See* Order ([ECF No. 28](#) in No. 4:23CV0242).¹ The Court also appointed Seth

¹ On April 28, 2023, Case No. 4:23CV0509 was voluntarily dismissed pursuant to [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#).

A. Katz, M. Elizabeth Graham, Jayne Conroy, and T. Michael Morgan² as Co-Lead Counsel.

The Order sets forth the responsibilities that Co-Lead Counsel, in consultation with the Members of the Executive Committee, shall have “on behalf of all Plaintiffs in this action and any additional related actions that are consolidated with this action (collectively, ‘the Action’).” [ECF No. 28 in No. 4:23CV0242 at PageID #: 565](#). On May 2, 2023, Case No. 4:23CV0870, a related action filed by *Pro Se* Plaintiff Joshua Turner, was consolidated into Case No. 4:23CV0242 for pretrial purposes. *See* Order ([ECF No. 30 in 4:23CV0242](#)) at PageID #: 666.

On or about May 4, 2023,³ *Pro Se* Plaintiff Christopher Conkle, a state prisoner at the Ohio State Penitentiary, filed Case No. 4:23CV0987. Like Case No. 4:23CV0870, Case No. 4:23CV0987 was originally filed in the Southern District of Ohio. Case No. 4:23CV0987 was transferred to the Northern District of Ohio on May 15, 2023.

Case No. 4:23CV0987, a related action, is hereby consolidated into Case No. 4:23CV0242 for pretrial purposes pursuant to [Rule 42](#).

II.

The Court previously announced its intention to administratively close all but Case No. 4:23CV0242 upon the filing of a Master Consolidated Class Action Complaint regarding the February 3, 2023 Norfolk Southern train derailment in East Palestine, Ohio. *See* Order ([ECF No. 28 in 4:23CV0242](#)) at PageID #: 570 n. 7. The Master Consolidated Class Action Complaint

² Attorney Morgan will represent individuals (such as *Pro Se* Plaintiff Christopher Conkle) and entities who have elected to file cases outside the class action, but are not opposed to the class structure. *See* [ECF No. 28 in No. 4:23CV0242 at PageID #: 563 n. 3](#).

³ Under the prison mailbox rule, a prisoner’s action is deemed filed on the date it was presented to prison officials for mailing. [Miller v. Collins](#), 305 F.3d 491, 497-98 (6th Cir. 2002) (citing [Houston v. Lack](#), 487 U.S. 266 (1988)); *see also* [Bowlds v. Dortch](#), No. 4:10-CV-P61-M, 2010 WL 2203258, at *2 (W.D. Ky. May 26, 2010) (applying the mailbox rule to a civil rights action brought pursuant to [42 U.S.C. § 1983](#))).

([ECF No. 31 in 4:23CV0242](#)) was filed on May 4, 2023. Accordingly, Case No. 4:23CV0987 is hereby closed.⁴

The Clerk of Court shall docket the within Order in Case Nos. 4:23CV0242 and 4:23CV0987. All pleadings and other papers for the above-entitled actions shall only be filed in and docket entries shall only be made in Case No. 4:23CV0242.

The Clerk is directed to issue a copy of this Order and a copy of the Docket Sheet for Case No. 4:23CV0242 by regular mail to Christopher Conkle, #580-982, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, OH 44505.

IT IS SO ORDERED.

August 31, 2023
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

⁴ The Clerk's Office shall administratively close Case No. 4:23CV0987.